33692.01.0023
CJR

EXHIBIT A

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,794	12/28/2001	Senaka Balasuriya	33692.01.0023	1315

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VEDDER PRICE P.C.
222 N. LASALLE STREET
CHICAGO, IL 60601

EXAMINER
DALENCOURT, YVES

ART UNIT	PAPER NUMBER
2457	

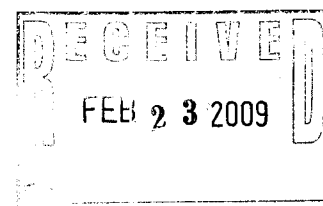| MAIL DATE	DELIVERY MODE
02/19/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DOCKETED
Client: *Motorola*
File No.: *33692.01.0023*
Due Date: *4/19/09 - 2 Month*

5/19/09 - FINAL OA Response due
By: *MK*   Date: *2/24/09*

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PTOL-90A (Rev. 04/07)

	Application No.	Applicant(s)
Office Action Summary	10/034,794	BALASURIYA, SENAKA
	Examiner	Art Unit	
	YVES DALENCOURT	2457	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>25 November 2008</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-6,19-21,26 and 28-30</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-3,6,19-21 and 26-30</u> is/are rejected.

7)☒ Claim(s) <u>4 and 5</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>11/25/2008</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

This office action is responsive to amendment filed on 11/25/2008.

Response to Amendment

The Examiner has acknowledged the amended claims 1, 4, and 26.

Response to Arguments

Applicant's arguments filed on 11/25/2008 have been fully considered but they are not persuasive.

Response to Arguments

Applicant's arguments with respect to claims 1 - 20 have been considered but are moot in view of the new ground(s) of rejection.

Regarding Applicant's argument (page 7) that the claimed controller is operative to select one or more of a plurality of multi-modal session proxy servers and the controller determines, on a per-session basis, which of a plurality of multi-modal proxy identifiers represent the proxy address of a selected multi-modal session proxy server of the plurality of proxy servers. Accordingly, the controller interfaces with a plurality of multi-modal session proxy servers and selects the multi-modal session proxy server on a per-session basis based on, for example, a multi- modal proxy identifier.   The Examiner respectfully disagrees because *Boloker teaches a MVC-based multi-modal system such as shown in FIG. 1 enables seamless switches between channels at any time, by continuously maintaining and updating the same state of the dialog in all*

interacting views, whether such channels comprise different devices or different

modalities (paragraphs [0095], [0101 - 0102]; and [0140 – 0141).

In response to Applicant's argument (page 8) that there is no teaching of Boloker

of receiving a multi-modal proxy identifier on a per- session basis for a browser based

on a selection from a plurality of multi-modal proxy servers. As noted above, there is no

selection by a controller of which of a plurality of multi-modal proxy servers are selected

on a per session basis. The Examiner respectfully disagrees with Applicant because

Boloker discloses *a multi-modal shell acting as a browser coordinator to support a*

multiple authoring framework that uses synchronization tags. Boloker further discloses

a MVC-based multi-modal browser framework provides the capability for the user to

readily switch between various modalities at any time and seamlessly continue the

transaction, when the authoring method and the level of synchronization granularity

authorizes it (paragraph [0142].

In view of such, the rejection is as follows:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 – 3, 6, 19 – 21, 26 – 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Boloker et al (US 2002/0194388; hereinafter Boloker).

As per claims 1 and 26, Boloker teaches an apparatus and method for multi-modal communication comprising: a controller operative to select one or more of a plurality of multi-modal session proxy servers(paragraphs [0095], [0101 - 0102]; and [0140 – 0141]; *Boloker teaches a MVC-based multi-modal system such as shown in FIG. 1 enables seamless switches between channels at any time, by continuously maintaining and updating the same state of the dialog in all interacting views, whether such channels comprise different devices or different modalities*); and the plurality of multi-modal session proxy servers having a proxy address (paragraphs [0068 – 0069], [0082], [0202] and [0222 – 0223]; Boloker teaches that the multi-modal shell functions as a virtual proxy, wherein the multi-modal shell supports synchronization of the different views as a web intermediary or proxy), wherein the controller determines, on a per-session basis [0077, 223], which of the plurality of multimodal proxy identifier represents the proxy address of a selected multi-modal session proxy server (paragraphs [0132], [0145], and [0232 – 0235]; **Boloker teaches a mechanism for automatically adding synchronization tags or naming conventions (claimed multi-modal proxy identifiers) to provide synchronization between the views**).

As per claim 2, Boloker teaches the apparatus of claim 1 further comprising: at least one browser having a per session multi-modal proxy evaluator and a browser proxy identifier, wherein the browser is operably coupled to the controller and the

selected one of the plurality of multi-modal session proxy servers such that the browser

receives the multi-modal proxy identifier and the browser proxy identifier is evaluated by

the multi-modal proxy evaluator, on a per session basis, in response to the multi-modal

proxy identifier (the multi-modal proxy evaluator is taught by the modal view controller

(MVC)and the browser proxy ID is located in the wrapper (42a); Figures 23 and 25;

paragraphs [0082], [0102], [0182], [0206], and [0233 – 0235; **Boloker teaches a multi-**

modal shell acting as a browser coordinator to support a multiple authoring

framework that uses synchronization tags).

As per claim 3, Boloker teaches the apparatus of claim 1 further comprising: at

least one voice browser having a voice browser per session multi-modal proxy evaluator

and a voice browser proxy identifier, wherein the voice browser is operably coupled to

the controller and the selected one of the plurality of one multi-modal session proxy

servers such that the voice browser receives the multi-modal proxy identifier and the

voice browser proxy identifier is evaluated by the voice browser per session multi-modal

proxy evaluator, on a per session basis, in response to the multi-modal proxy identifier

(the browser is a voice browser which is connected to the MVC and the Multi-modal

shell; pp 0183-0185, 0214, 0216); and at least one graphical browser having a graphical

browser per session multi-modal proxy evaluator and a graphical browser proxy

identifier, wherein the graphical browser is operably coupled to the controller and the

selected multi-modal session proxy server such that the graphical browser receives the

multi-modal proxy identifier and the graphical browser proxy identifier is evaluated by

the graphical browser per session multi-modal proxy evaluator, on a per session basis,

in response to the multi-modal proxy identifier (the browser is a graphical browser (GUI)

which is connected to the MVC and the Multi-modal shell; paragraphs [0183-0185],

[0214], [0216]; and [0233 – 0235]).

As per claim 6, Boloker teaches he apparatus of claim 1 and method of claim 26

wherein the controller further comprises at least one load balancer whereupon the

controller determines the multi-modal proxy identifier in response to the at least one

load balancer (pp 0109, 0226, 0245)

As per claim 20, Boloker teaches the method of claim 19 further comprising:

fetching requested information from at least one content server (the MM shell gets

information from the content server; Figure 26, pp 0082, 0092, 0111, 0112); and

providing the requested information to the browser (the information is processed

through a synchronization coordinated and MVC; Figure 27, pp 0226-0228, 0230, 0241-

0244).

As per claim 21, Boloker teaches the method of claim 20 further comprising: prior

to sending an information request, storing an updated browser proxy identifier in a

memory location (paragraphs [201 – 202], [206], and [225]).

As per claim 28, Boloker teaches the method of claim 26 further comprising: prior

to determining a multi-modal session proxy server, on a per session basis, initiating a

multi-modal session between a terminal and a multi-modal network element (the multi-

modal proxy evaluator is taught by the modal view controller (MVC) and the browser

proxy ID is located in the wrapper (42a); Figures 23 and 25, pp. 0082, 0090, 0102,

0112, 0179-0186, 0207, 0252).

As per claim 29, Boloker teaches the method of claim 28 further comprising: evaluating, on a per session basis, a browser proxy identifier in response to receiving the multi-modal proxy identifier; and receiving an information request from the browser to the multi-modal session proxy server identified by the multi-modal proxy identifier (the multi-modal proxy evaluator is taught by the modal view controller (MVC)and the browser proxy ID is located in the wrapper (42a); Figures 23 and 25, pp. 0082, 0090, 0102, 0112, 0179-0186, 0207, 0252).

As per claim 30, Boloker teaches the method of claim 28 further comprising: fetching requested information from at least one content server (the MM shell gets information from the content server; Figure 26, pp 0082, 0092, 0111, 0112); and providing the requested information to the browser (the information is processed through a synchronization coordinated and MVC; Figure 27, pp 0226-0228, 0230, 0241-0244).

Claims 19 and 26 incorporate substantially all the limitations of claim 1 – 3 with minor variation in the claimed language, in method form, rather in apparatus form. The reasons for the rejection of claims 1 – 3 apply to claims 19 and 26.

Allowable Subject Matter

Claims 4 and 5 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Danner et al (US Patent Number 7,328,269) discloses an apparatus and method

for providing server state and attribute management for voice enabled web applications.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to YVES DALENCOURT whose telephone number is

(571)272-3998. The examiner can normally be reached on M-F 8-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/YVES DALENCOURT/
Primary Examiner, Art Unit 2457

INFORMATION DISCLOSURE STATEMENT BY APPLICANT
(Not for submission under 37 CFR 1.99)

Application Number	10034794
Filing Date	2001-12-28
First Named Inventor	Senaka Balasuriya
Art Unit	2457
Examiner Name	Yves Dalencourt
Attorney Docket Number	33692.01.0023

U.S.PATENTS Remove

Examiner Initial*	Cite No	Patent Number	Kind Code[1]	Issue Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	7328269		2008-02-05	Danner et al.	

If you wish to add additional U.S. Patent citation information please click the Add button. Add

U.S.PATENT APPLICATION PUBLICATIONS Remove

Examiner Initial*	Cite No	Publication Number	Kind Code[1]	Publication Date	Name of Patentee or Applicant of cited Document	Pages,Columns,Lines where Relevant Passages or Relevant Figures Appear
	1	20030208570	A1	2003-11-06	Lapidous	

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EFS Web 2.1.7   ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /Y.D./

INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Not for submission under 37 CFR 1.99)	Application Number	100347	
	Filing Date	2001-12-28	
	First Named Inventor	Senaka Balasuriya	
	Art Unit	2457	
	Examiner Name	Yves Dalencourt	
	Attorney Docket Number	33692.01.0023	

	1		☐

If you wish to add additional non-patent literature document citation information please click the Add button [Add]

EXAMINER SIGNATURE

Examiner Signature	/Yves Dalencourt/	Date Considered	02/12/2009

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through a citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /Y.D./